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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,378	02/20/2004	Hartmut Neven SR.	24207-12225	6413

62296 7590 09/12/2007  
GOOGLE / FENWICK  
SILICON VALLEY CENTER  
801 CALIFORNIA ST.  
MOUNTAIN VIEW, CA 94041

EXAMINER
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GILES, NICHOLAS G

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/783,378	<b>Applicant(s)</b> NEVEN, HARTMUT	
	<b>Examiner</b> Nicholas G. Giles	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/13/2006</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Boncyk et al. (WO 03/041000).

Regarding claim 1, Boncyk et al. discloses:

A system for image-based information retrieval from search engines or databases, characterized by a) a terminal with a built-in camera that is connected to a remote data transmission network (8:22-10:5); b) a server computer on which an object recognition program is running, which analyses images sent to it and provides them with a symbolic indexing (37:30-38:1 and 18:6-10); c) a search engine that uses the indexed image to find information about the image and sends it back to the terminal (37:30-38:1 and 18:6-10).

Regarding claim 2, see the rejection of claim 1 and note that Boncyk et al. further discloses:

The system as described under 1) that is designed for mobile telephones or portable computers that have a built-in camera (6:7-19).

Regarding claim 3, see the rejection of claim 1 and note that Boncyk et al. further discloses:

A city or museum guide that uses the system described under 2) to provide a user with information about objects of which he or she has previously taken a picture (2:5-7).

Regarding claim 4, see the rejection of claim 3 and note that Boncyk et al. further discloses:

The system as described under 3) in which positioning information is also used to appropriately limit the image recognition system (27:36-28:14).

Regarding claim 5, see the rejection of claim 2 and note that Boncyk et al. further discloses:

The system as described under 2) that provides product information about products that have been previously photographed with the mobile camera (27:36-28:14).

Regarding claim 6, see the rejection of claim 2 and note that Boncyk et al. further discloses:

The system as described under 2) in which the image recognition system is also able to recognize text characters or symbols (27:36-28:14).

Regarding claim 7, see the rejection of claim 2 and note that Boncyk et al. further discloses:

The system as described under 2) in which the system is, in particular, able to recognize faces (27:7-9).

Regarding claim 8, see the rejection of claim 2 and note that Boncyk et al. further discloses:

The system as described under 2) that is used to provide the user with additional information about advertising billboards (39:18-24).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boncyk et al.

Regarding claim 9, see the rejection of claims 1 and 2 and note that Boncyk et al. further discloses in 40:24-27 that an image can be taken and used to retrieve maintenance instructions or repair history of a part of an aircraft. Official Notice is taken that it was well known at the time the invention was made to organize maintenance instructions for a part of a device into the form of a handbook, which would contain further maintenance instructions for other parts of the device. An advantage to doing so is that instructions for the device are organized for a person who desires to do further maintenance on different parts of the same device. For this reason it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to have Boncyk include organizing maintenance instructions for a part of a device into the form of a handbook.

Regarding claim **10**, see the rejection of claim 2 and note that Boncyk et al. is silent with regards to allowing providers of information to make new entries to the system so that their data can be retrieved. Official Notice is taken that it was well known at the time the invention was made to update databases with new information. An advantage to doing so is that the person deciding to access the database will have the most up to date information available. For this reason it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Boncyk include allowing providers of information to make new entries to the system so that their data can be retrieved.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas G. Giles whose telephone number is (571) 272-2824. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7273. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NGG



LIN YE  
SUPERVISORY PATENT EXAMINER